

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT

(PCT Rule 72.2)

To:

ZF FRIEDRICHSHAFEN AG  
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ALLEMAGNE

TS Eingang

10. Jan. 2005

Date of mailing (day/month/year) 29 December 2004 (29.12.2004)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference 8331 WO Z RSF-ALG	
International application No. PCT/EP2003/007242	International filing date (day/month/year) 07 July 2003 (07.07.2003)
Applicant ZF FRIEDRICHSHAFEN AG et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

None

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

EP, US

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Agnes Wittmann-Regis

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Translation

PATENT COOPERATION TREATY

PCT/EP2003/007242



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8331 WO Z RSF-ALG	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007242	International filing date (day/month/year) 07 July 2003 (07.07.2003)	Priority date (day/month/year) 11 July 2002 (11.07.2002)
International Patent Classification (IPC) or national classification and IPC F16H 3/66		
Applicant ZF FRIEDRICHSHAFEN AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 20 December 2003 (20.12.2003)	Date of completion of this report 19 July 2004 (19.07.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/007242

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
pages \_\_\_\_\_ 1-20 \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, as amended (together with any statement under Article 19  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_ 1-5 \_\_\_\_\_, filed with the letter of \_\_\_\_\_ 14 April 2004 (14.04.2004)
- ☐ the drawings:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
pages \_\_\_\_\_, as originally filed  
pages \_\_\_\_\_, filed with the demand  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 03/03518

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims		YES
	Claims	1-5	NO
Inventive step (IS)	Claims		YES
	Claims	1-5	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims		NO

### 2. Citations and explanations

1. The following documents are cited in the present report.  
The same numbering will be used throughout the procedure:

D1 DE-A-100 23 441

D2 DE-A-100 63 422.

The following documents are specified in the present report  
for the first time:

D3 EP-A-0 571 882

D4 EP-A-0 890 619.

2. Claims 1-5 do not appear to be novel within the meaning  
of PCT Article 33(2):

2.1 The claimed use of waxes produced using a metallocene  
catalyst in powder paints is known from D2 (page 7, line 64  
to page 9, line 35). The claimed properties [dropping  
point 80 to 165 °C, density 0.87 to 1.03 g/cm<sup>3</sup>, viscosity  
10 to 100 000 mPa.s (see the example of D2) and particle  
size (for example in D2, page 3, lines 10 to 15 and page 2,  
lines 10 to 14)] and the additives are also mentioned  
in D2.

It is generally known that metallocene waxes have a narrow  
molecular weight distribution. For example, D2 refers, in  
connection with the production of the waxes used therein,

to D3, where a preferred molecular weight distribution of those waxes of 2 to 4 is mentioned on page 10. The waxes in D4 also have molecular weight distributions of less than 3 (see table 1).

A person skilled in the art can therefore take the teaching of the current claims directly from D2. The current claims 1-5 are therefore not novel in relation to D2.

3. Similarly D1 describes (paragraphs [0035] to [0038]) the use of such waxes in paints. The properties are disclosed in paragraph [0012] and here, too, reference is made to D3 in connection with the production (page 3, line 30), from which the molecular weight distribution is also known to a person skilled in the art.

3. The current claims 1-5 are not inventive within the meaning of PCT Article 33(3).

3.1 Since claims 1-5 are previously described in D1 and D2, they must also be considered to be obvious.